

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Peter EUTENEUER et al.

Title: TUBE FOR A MICROSCOPE

Appl. No.: 10/589,279

International 1/24/2005

Filing Date:

371(c) Date: 08/11/06

Examiner: Lee A FINEMAN

Art Unit: 2872

Confirmation 5722

Number:

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(c), before the mailing date of either a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application.

RELEVANCE OF EACH DOCUMENT

Documents A2 and A3 listed on the attached PTO/SB/08 were cited in a European Office Action issued in a counterpart European application on April 24, 2008. A copy of the European Office Action is attached.

Documents A1 and A3 belong to the same “patent family,” whereby the English language document may assist the PTO in understanding the content of the non-English language document.

Copies of EP Patent No. 0 844 505, DE Patent No. 195 13 870, and U.S. Patent Publication No. 2001/030801 cited in the European Office Action are not being provided since they were previously submitted to the United States Patent & Trademark Office in the above-identified application on August 11, 2006.

Unless otherwise indicated, no English translation is readily available (not considering machine-generated translations that may be freely available online, to both the Applicants and the PTO) for the non-English language document. However, a commercially available English language abstract is provided herewith as indicated on the attached Form PTO/SB/08. Inasmuch as Applicants have endeavored to provide at least one item that complies with the requirement for a “concise explanation of relevance” for the non-English language document, this document has been submitted in compliance with the PTO requirements and should be considered by the Examiner (37 CFR §1.97, §1.98 and MPEP §609).

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

STATEMENT

The undersigned hereby states in accordance with 37 CFR §1.97(e)(1) that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to filing of this Statement.

The undersigned hereby states in accordance with 37 CFR §1.704(d) that each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of the information disclosure statement.

Although Applicants believe that no fee is required for this Request, the Commissioner is hereby authorized to charge any additional fees which may be required for this Request to Deposit Account No. 19-0741.

Respectfully submitted,

By _____

Glenn Law
Attorney for Applicant
Registration No. 34,371

Date: May 23, 2008

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5426
Facsimile: (202) 672-5399